

HAMPTON PLANNING BOARD – MINUTES
December 6, 2006– 7:00 PM

PRESENT: Tracy Emerick, Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Higgins
Tom Gillick
Bill Faulkner, Alternate
Bill Bilodeau, Alternate
James Steffen, Town Planner
Glenn Greenwood, Rockingham Planning Commission

ABSENT: Robert Viviano, Vice-Chair

I. 6:00 PM – Workshop – Proposed Zoning Ordinance Amendments
Glenn Greenwood – Rockingham Planning Commission

The Board and Mr. Greenwood discussed suggested zoning changes. Included in this discussion were the following topics:

- Change Business Seasonal zone designation to Business - Beach
- Change Article IV section 4.2 to 5,000 square feet.
- Change Article VIII to delete 400-foot recreational area requirement.
- Revisions to Article 3 - Use Requirements
- Create Professional Office/Residential (POR) District
- Change definition of hotel
- Change a portion of Business Seasonal district on Ashworth Ave and Ocean Boulevard to a Beach Resort district with different zoning requirements.

At 7:00 PM further discussion was postponed to the end of the regular public hearing.

Chairman Emerick began the Public Hearing at 7:00 PM by introducing the Board members. He then led the pledge of allegiance to the flag.

II. WITHDRAWALS AND CONTINUATIONS

- 6-97) Shawn & Shawna Pelletier
Wetlands Impact Special Permit to construct fence and shed at
7 Pearl Street
Map 223 Lot 50
Owner of Record: Shawn & Shawna Pelletier

This application has been withdrawn by the applicant.

- 6-87) Thomas G Burness
2-lot Subdivision at

31 Park Avenue
Map 190 Lot 12
Waivers Requested: Sub Regs Sections V.E.5, V.E.7, V.E.9 & V.E.14
Owner of Record: Thomas G Burness
JURISDICTION ACCEPTED: November 1, 2006

- 6-88) Thomas G Burness
Wetlands Impact Special Permit to extend driveway at
31 Park Avenue
Map 190 Lot 12
Owner of Record: Thomas G Burness

This applicant has requested a continuation of his application while he resolves a driveway issue with the Fire Department.

MOVED By Mr. Lessard to continue the application to the December 20th meeting of the Planning Board.

SECOND By Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

III. ATTENDING TO BE HEARD

- 6-98) Six Ashworth Ave LLC
Change of Use to convert Laundromat to condominium motel unit at
6 Ashworth Avenue
Map 282 Lots 27 & 40
Owner of Record: Six Ashworth Ave LLC

Craig Salomon, Attorney, presented this application. Louis Pichette, principal, was also present. Mr. Salomon provided revised floor plans depicting the three combined units. Three suites have been created from 6 of the motel units. This frees up three parking spaces to allow a parking space for the newly created unit.

BOARD

A question was asked regarding the entrance to the unit. The entrance is currently on Nudd Avenue and will remain there.

Mr. Gillick asked for detail of the floor plan for the unit with respect to the kitchenette area. Mr. Salomon indicated that a microwave was planned for the unit.

Mr. Lessard asked if an updated parking plan was provided. It was provided at the meeting where the change of use was first heard. Mr. Salomon stated that the parking configuration is the same, but some of the spaces have been reassigned.

There was a discussion of the units that have changed to suites. There is concern that these suites could be rented as two separate rooms. Mr. Salomon indicated that the combined units 8&9 have already been sold as one unit, and the principal no longer has the capability to renovate that unit. There is no prohibition in the condominium documents to prevent the current owner from renting out the suite as two separate units. Mr. Salomon stated that the applicant is willing to replace a door in each of the other combined units with a window.

Mr. Gillick indicated the applicant appears to be willing to address the Board's concerns.

MOVED by Mr. Gillick to grant the change of use from a Laundromat to a motel unit at 6 Ashworth Avenue, Map 282 Lots 27 & 40, subject to the following conditions:

- In the combined units 17/18 and 38/39 the second door in each suite will be replaced with a window.
- The unit 8/9 suite will be assigned the guest parking space as its second parking space if that owner is not willing to replace the door with a window.
- An updated parking plan will be provided.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

IV. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

- 6-93) Aranco Oil Co
Site Plan Review to construct addition and change use from gas/service station to gas/service station and convenience store at
567 Lafayette Road
Map 144 Lot 9
Owner of Record: Aranco Oil Co.

Paul Kenney, Aranco Oil Company, presented this application. He distributed pictures of the building as it presently appears and the building as it will appear when renovated. He described the renovation plan to convert the auto repair facility to a convenience store.

BOARD

Board members asked if the building and the bathroom would be handicap accessible. They will be.

PUBLIC

No comment

BOARD

Mr. Steffen indicated that the signage would be changed from what is there presently. Mr. Steffen had asked the applicant for the picture representations of how the doors and windows would be changed. In response to a Board question, Mr. Kenney indicated that the lighting would not be changed. All lighting is under the canopy.

Mr. McMahon asked about the open-curb drive in capability. He also asked that the applicant's engineer review the trip generation data.

In response to a Board question, Mr. Kenney indicated that it would not be a 24-hour operation. It will probably be operated 5 to 10 hours daily. There is a possibility there will be hot pizza, but it will not be a restaurant. The Board asked for a lighting plan.

MOVED By Mr. Gillick to accept jurisdiction to a date certain of January 3, 2007 and send to send the application out for departmental review.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

6-94) M&G Realty Trust
Wetlands Impact Special Permit to repair retaining wall at
56 Beach Plum Way
Map 134 Lot 31
Owner of Record: M&G Realty Trust

Ernie Cote, Surveyor, and Margaret Camuso, Owner, presented this application. Ms. Camuso described the project. The fence has been there since 1984, and they wish to replace it in kind with landscape timbers.

BOARD

There was a question regarding the location of this property.

PUBLIC

No comments

BOARD

Chairman Emerick requested, on behalf of an abutter, that a silt fence be placed on the property line while the fence is being replaced.

Ms. Camuso indicated that they repaired the timbers on the front of the property, but they have made no previous repairs to the fence/wall currently under consideration.

MOVED By Mr. Gillick to grant a Special Permit to impact wetlands at 56 Beach Plum, Map 134 Lot 31 subject to the conditions as stated in the Conservation Commission's memo of December 2nd.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

- 6-95) Sandra J Brown
After-the-Fact Wetlands Impact Special Permit for construction of a
fence at
47 Nudd Avenue
Map 274 Lot 153
Owner of Record: Sandra J Brown

Richard Hayes presented this application on behalf of the applicant. Mr. Hayes has been representing the applicant since October of 2006. The fence was erected in 2005 to replace a previously existing chain-link fence. A building permit was secured to replace the fence. The applicant agrees that a special permit should have been secured.

BOARD

There was a question from the Board regarding the location of the fence. Mr. Hayes described the location of the fence in relation to the wetland area. There was then a discussion of the history of this issue.

There was also a question of landscaping done and/or to be done on the property. Mr. Hayes indicated there was no landscaping done.

The current fence is on the property line. The Building Permit Application submitted for the fence did not respond to the question regarding wetlands on the property. It was determined by the Conservation Commission, after the building permit was issued, that the fence was in the Wetlands Conservation District. It was determined that the prior chain-link fence was in a different location.

PUBLIC

No comment

BOARD

MOVED By Mr. Gillick to grant an After-the-Fact Special Permit at 47 Nudd Avenue, Map 274 Lot 153, subject to conditions in the Conservation Commission memo of December 2, 2006, including relocation of the fence to its original location.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

- 6-96) Edward H & Dianne M MacDonald
3-Unit Condominium Conversion at
21 Epping Avenue
Map 299 Lot 7
Waiver Requested: Subdivision Regulations Section V.E.
Owner of Record: Edward H & Dianne M MacDonald

Mr. Higgins recused himself for this application. Mr. Bilodeau replaced Mr. Higgins on the Board.

Stephen Ells, Attorney, and Ernie Cote, Surveyor, presented this application. Mr. Ells indicated this was a 5,000 square foot lot. Each unit now has a Seasonal Certificate of Occupancy. Each unit will have an assigned 9-foot x 18-foot on-site parking space. No physical changes to the structure are proposed.

BOARD

In response to a question from the Board, Mr. Ells indicated the parking spaces would be marked on the ground.

Mr. Steffen stated the recommended conditions if this application is approved. Mr. Ells said they have no problem with any of the conditions except for #3. Mr. Ells indicated he felt that condition #3 (requiring review of condominium documents by the Town Attorney) was not within the purview of the Planning Board, except to the extent that the review verifies that the documents contain the necessary language with respect to parking requirements. He believes that "compliance with RSA's and protection of purchasers and the public" are beyond the scope of the Planning Board's jurisdiction. He indicated these reviews have been costing \$400 to \$500 and, generally, the only changes made by the Town Attorney are grammatical and spelling changes.

Mr. Lessard said the reason for the Town Attorney review is that applicants promise things will be in the documents and then these items do not appear in the documents. Mr. Ells agrees that review is appropriate for the purpose of ensuring that conditions placed by the Board are in the documents.

Chairman Emerick said that Mr. Ells' point was a good one, and the Board will discuss the issue with the Town Attorney.

Mr. Gillick stated he wanted the Board to ensure that what it does is in compliance with the RSA's and within the authority granted to it.

PUBLIC

No comment

BOARD

MOVED By Mr. Gillick to grant the requested waiver from Subdivision Regulations Section V.E.

SECOND By Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

MOVED By Mr. Gillick to grant the 3-unit condominium conversion at 21 Epping Avenue, Map 299 Lot 7, subject to the conditions stated in the Planner's memo of December 1st.

SECOND By Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

The Chairman reiterated that he would talk with the Town Attorney about limiting condominium document review to conditions placed by the Planning Board.

Mr. Higgins returned to the Board.

V. CONSIDERATION OF MINUTES of November 15, 2006

Page 4, paragraph 2 – add, “maintain” (...an office).

Page 6 – Mr. Gillick noted that the Board made every effort to respond to Ms. Deland's concerns.

MOVED By Mr. Gillick to approve the minutes as amended.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

VI. CORRESPONDENCE

None

VII. OTHER BUSINESS

- **Recommendation for Turnaround Easement at Mill Pond and Glen Roads**

Mr. Steffen described this issue. The turnaround was approved by the Planning Board. Now the step is to recommend acceptance of the easement by the Board of Selectmen.

The Conservation Commission asked that this recommendation not be made until a soil scientist has delineated the property to determine impact on wetland. Mr. Steffen noted that the file contains a report from a soil scientist indicating that the easement is 100 feet away from the wetland. The Chair indicated that it is appropriate to recommend to the Board Of Selectmen what the Board had required as a condition of approval.

MOVED by Mr. Gillick to recommend acceptance of the turnaround easement by the Board of Selectmen.

SECOND by Mr. Faulkner

VOTE: 6-0-1

MOTION PASSED

- Ted Palmieri project – 1019 Ocean Boulevard

Mr. Steffen indicated that the Conservation Commission has advised, based on a site visit, that this property owner has not complied with stipulations of the Special Permit granted by the Board. Mr. Higgins noted that he has seen the property and agrees that the stipulations have not been met. It was the consensus that the Board is in favor of the Building Inspector enforcing the stipulations of the Special Permit.

MOVED by Mr. Lessard to respond to the Conservation Commission that the Board is in agreement with its letter and to recommend that the Commission and the Building Inspector continue to do due diligence on this property.

SECOND by Mr. Gillick

VOTE: 6-0-1

MOTION PASSED

- **Jet skis in Hampton Harbor**

The Hampton Conservation Commission has joined in a petition from the Seabrook Conservation Commission asking the Department of Safety to hold a public hearing to ban jet skis from Hampton Harbor. It was the consensus that the Board express agreement with the Conservation Commission position.

RESUMPTION OF WORKSHOP ON SUGGESTED ZONING CHANGES

Discussion resumed with the definition of “hotel rooms” and/or “condominium hotels”. It was concluded that the State defines “condominium”. The Town does not need to address that term. There was extensive discussion of a “hotel room” versus a “dwelling unit”. A school impact fee is required for any “dwelling unit”. Criteria were developed for distinguishing permanent and temporary food preparation areas.

Mr. Higgins questioned why another Board held a public hearing on a planning article before the Planning Board saw the amended versions. Mr. Higgins wished to bring a definition of condo-hotel to the public hearing, as well. The Board disagreed.

There was discussion of the materials to be presented at the Public Hearing.

The group then reviewed the definitions as revised previously by the Planning Board and subsequently by the Hampton Beach Area Commission. The “standards” for hotels were then reviewed and revised. The requirement to maintain an office is for rental activity, management and emergencies.

Parking requirements for condominium conversions. In Article VI. Section 6.3.9, the phrase “or be assured perpetual existence by easement” needs to be removed. The fact that stacked parking constitutes one parking space needs to be added to Article IV.

Rezoning at the beach was reviewed. There was a discussion of shadowing on the beach, pervious surface requirements, landscaping and parking access through portico and retail..

Mr. Greenwood summarized the conclusions from the discussions of the various issues.

MOVED by Mr. Faulkner to adjourn.

SECOND by Mr. Bilodeau

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 9:30 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Administrative Assistant